

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00159

GUY W. ESCUE, III

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On March 20, 2019, the United States of America appeared by Ryan A. Saunders, Assistant United States Attorney, and the defendant, Guy W. Escue, III, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release and amendments thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year term of supervised release in this action on March 23, 2017, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on June 21, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed a violation of law and unlawfully possessed a controlled substance inasmuch as on September 24, 2018, he was found by law enforcement to be in possession of two Lortab pills for which he had no prescription; (2) the defendant used and possessed methamphetamine as evidenced by positive urine specimens submitted by him on June 6 and September 5, 2018, for methamphetamine, the defendant having admitted to the probation officer on each occasion that he had used the substance; and a positive urine specimen submitted by him on November 6, 2018, for opiates, cocaine and methamphetamine, the defendant having admitted to the probation officer that he had used heroin, methamphetamine and cocaine; (3) the defendant failed to report his arrest to the probation officer within 72 hours inasmuch as he was arrested on September 24, 2018, and as of October 22, 2018, had not reported the arrest; (4) the defendant failed to appear for urine screens and substance abuse counseling sessions as directed by the probation officer as set forth in Violation No. 5; and (5) the defendant committed the state and local offense of fleeing on foot as

evidenced by his conviction in the Magistrate Court of Kanawha County, West Virginia; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendments thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.


And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, to be followed by a term of thirty-three (33) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts

(National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special conditions that he spend the first five (5) months of supervised release in a community confinement center where he shall follow the rules and regulations of the facility, and that he participate in drug abuse counseling and treatment as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 21, 2019

  
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John T. Copenhaver, Jr.  
Senior United States District Judge